

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-160-S - ORDER NO. 97-5
JANUARY 6, 1997



IN RE: Application of Midlands Utility, Inc.)	
for Approval of an Increase in Rates)	ORDER GRANTING
Charges for Sewer Service for its)	WAIVER AND
Customers in Richland, Lexington,)	ACCEPTING
Fairfield, and Orangeburg Counties.)	APPLICATION

This matter comes before the Public Service Commission of South Carolina (the "Commission") on the Application of Midlands Utility, Inc. ("Midlands") for approval of an increase in rates and charges for sewer services provided to its customers in Richland, Lexington, Fairfield, and Orangeburg Counties. By its Application, Midlands requests that the Commission waive the requirement that Midlands submit letters of approval from the Department of Health and Environmental Control ("DHEC") with respect to Midlands' waste treatment facilities at Raintree and Royal Hills subdivisions and at its Orangeburg facility.

26 S.C. Code Ann. Reg. 103-501.3 (1976) states that the Commission may waive a regulation in any case where compliance with any of the rules or regulations introduces unusual difficulty and where the Commission finds that such waiver is in the public interest. Midlands states in its request for waiver that it will show that it is making prudent and appropriate efforts to provide for alternative treatment options with respect to its Raintree facility which will permit it to be closed in a manner

satisfactory to the Department of Health and Environmental Control. Midlands further informs the Commission that it will file additional information concerning the Royal Hills permit and the Orangeburg permit prior to or at the time of the hearing on this Application.

Upon consideration of Midlands' request for waiver, we find that Midlands does not presently have the DHEC letters of approval for its waste treatment facilities at Raintree and Royal Hills subdivisions and at Midlands' Orangeburg facility. We further find that Midlands is faced with unusual difficulty in obtaining the DHEC letters of approval at this time. The Commission believes, and so finds, that the public interest is best served by granting a waiver of the requirement of the DHEC letters of approval and by accepting the Application. However, Midlands is instructed to file the letters of approval on the Royal Hills subdivision and the Orangeburg facility and to provide the stated information regarding the Raintree facility prior to or at the time of the hearing on this Application.

IT IS THEREFORE ORDERED THAT:

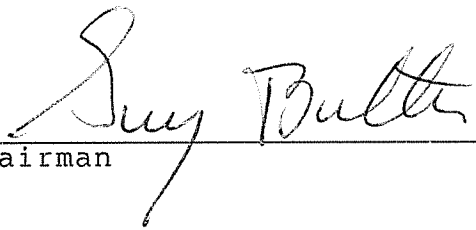
1. The requirement of 26 S.C. Code Ann. Reg. 103-512.4.13 (Supp. 1995) that the DHEC letter be included with the Application is hereby waived. Midlands is instructed to file the letters of approval on the Royal Hills subdivision and the Orangeburg facility and to provide the stated information regarding the Raintree facility prior to or at the time of the hearing on this Application.

2. The Application of Midlands for approval of an increase

in rates and charges for sewer services provided to its customers in Richland, Lexington, Fairfield, and Orangeburg Counties shall be accepted.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)